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06                   UNITED STATES DISTRICT COURT  
07                   WESTERN DISTRICT OF WASHINGTON  
08                   AT SEATTLE

09                   UNITED STATES OF AMERICA,                   )  
10                                  Plaintiff,                           )  
11                                  v.                                   ) Case No. MJ09-62  
12                           PABLO JESUS ELENES-CRUZ,           ) DETENTION ORDER  
13                                  Defendant.                   )

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14 Offenses charged:

15                   Count 3:       Possession of Methamphetamine with Intent to Distribute, in violation of  
16                                   21 U.S.C. §§ 841 (a)(1), 841 (b)(1)(A), and 846

17                   Count 4:       Possession of Cocaine with Intent to Distribute, in violation of 21 U.S.C.  
18                                   §§ 841 (a)(1), 841 (b)(1)(B), and 846

19                   Date of Detention Hearing:   February 25, 2009

20                   The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
21                   based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
22                   the following:

23                   **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

24                   (1)       Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that defendant  
25                   is a flight risk and a danger to the community based on the nature of the pending charges.  
26                   Application of the presumption is appropriate in this case.

27                   (2)       An immigration detainer has been placed on defendant by the United States

01 Immigration and Customs Enforcement.

02 (3) Defendant has stipulated to detention, but reserves the right to contest his  
03 continued detention if there is a change in circumstances.

04 (4) There are no conditions or combination of conditions other than detention that  
05 will reasonably assure the appearance of defendant as required or ensure the safety of the  
06 community.

07 IT IS THEREFORE ORDERED:

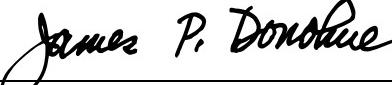
08 (1) Defendant shall be detained pending trial and committed to the custody of the  
09 Attorney General for confinement in a correctional facility separate, to the extent practicable,  
10 from persons awaiting or serving sentences or being held in custody pending appeal;

11 (2) Defendant shall be afforded reasonable opportunity for private consultation with  
12 counsel;

13 (3) On order of a court of the United States or on request of an attorney for the  
14 government, the person in charge of the corrections facility in which defendant is confined shall  
15 deliver the defendant to a United States Marshal for the purpose of an appearance in connection  
16 with a court proceeding; and

17 (4) The Clerk shall direct copies of this Order to counsel for the United States, to  
18 counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services  
19 Officer.

20 DATED this 25th day of February, 2009.

21   
22 JAMES P. DONOHUE  
23 United States Magistrate Judge